

State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
Shepard Building  
255 Westminster Street  
Providence, Rhode Island 02903-3400

Peter McWalters  
Commissioner

TO: Superintendent, Special Education Director, Principal, School Nurse Teacher  
FROM: David Abbott, Esq., Deputy Commissioner of Education  
SUBJ: New Peanut Allergy Law  
DATE: July 20, 2007

This is to inform you that a law was passed in this legislative session that addresses the issue of peanut allergies in schools (see attached H5671 Sub A as amended). The law applies to all elementary and middle schools, but is recommended to apply to all high schools, as well.

If there is a student in your school(s) identified with a peanut or tree nut allergy, the district/school must do the following:

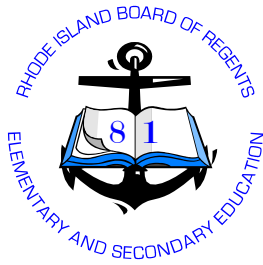
- Post a notice within the school in a conspicuous place at every point of entry and within the cafeteria providing notice that a student in the school has an allergy to peanuts/tree nuts (sample sign attached) ;
- Prohibit the sale of peanuts/tree nuts, peanut butter and other peanut-based products in the school cafeteria;
- Designate a peanut/tree nut free table in the cafeteria;
- Designate one classroom per grade to be peanut/tree nut free.

Regulations are being developed to clarify the intent of the legislation. However, since the law took effect upon passage, these actions must be taken immediately. If you have questions or concerns, please contact Jackie Ascrizzi, School Health Specialist, 222-8953, [jackie.ascrizzi@ride.ri.gov](mailto:jackie.ascrizzi@ride.ri.gov).

Further information is available through *THRIVE*, Rhode Island's Coordinated School Health Program of the Rhode Island Departments of Education and Health at [www.thriveri.org/peanuts](http://www.thriveri.org/peanuts). The sample notification sign is available to download at this website.

**Telephone** (401) 222-4600 **Fax** (401) 222-6178 **TTY** 800-745-5555 **Voice** 800-745-6575

The Board of Regents does not discriminate on the basis of age, color, sex, sexual orientation, race, religion, national origin, or disability.



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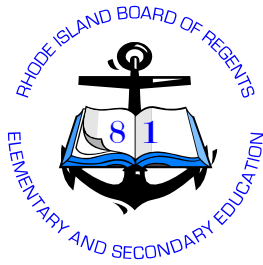
TO: Superintendents, Principals, Special Education Directors, School  
Nurse Teachers  
FROM: David V. Abbott, Deputy Commissioner  
DATE: August 29, 2007  
RE: Peanut Allergy Law

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I am writing to clarify the guidance that was previously sent regarding the implementation of the new peanut/tree nut allergy law. The previous guidance omitted an important component of the law that requires schools to designate a table or tables in the cafeteria as "peanut/tree nut" table(s) as a means to contain peanut products and residues that might result in a strong reaction by students with an allergy to these products.

It is recommended that the peanut/tree nut table(s) be placed as far away from the peanut/tree nut free table as possible and that hand wipes be available for the children at the peanut/tree nut table for students to clean their hands after eating. It is also recommended that the peanut/tree nut table be carefully wiped clean after the lunch period.

Again, these measures are required only if there is a student in the school with an identified peanut/tree nut allergy. If you have questions or concerns, please contact Jackie Ascrizzi, School Health Specialist, 222-8953, [Jackie.ascrizzi@ride.ri.gov](mailto:Jackie.ascrizzi@ride.ri.gov).



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## MEMORANDUM

TO: Superintendents, High School Principals, Special Education Directors,  
School Nurse Teachers  
FROM: David V. Abbott, Deputy Commissioner/General Counsel  
SUBJ: Peanut Law Clarification for High Schools  
DATE: August 31, 2007

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There has been some confusion about the new peanut law and whether it applies to high schools. This memo is to clarify that the law does not apply to high schools. Therefore, high schools are not required to implement any of the measures described in the law and guidance.

If you have any further questions or concerns, contact Jackie Ascrizzi, School Health Specialist, 222-8953, [jackie.ascrizzi@ride.ri.gov](mailto:jackie.ascrizzi@ride.ri.gov).

**2007 -- H 5671 SUBSTITUTE A AS AMENDED**

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LC01761/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2007**

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Baldelli-Hunt, Giannini, Pacheco, Brien, and Wasylyk

Date Introduced: February 28, 2007

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is  
2 hereby amended by adding thereto the following section:

3           **16-21-30. Notice of peanut/tree nut allergies -- Posting. -- (a) In any school subject to**  
4 **the provisions of this chapter wherein a student with an allergy to peanuts/tree nuts and/or food**  
5 **derived from peanut/tree nuts products is in attendance, a notice shall be posted within that school**  
6 **building in a conspicuous place at every point of entry and within the cafeteria facility advising**  
7 **that there are students at said school with allergies to peanuts/tree nuts. The notice shall not**  
8 **identify the individual(s) with such allergy.**

9           **(b) In the event a student who is enrolled in a school is known to have an allergy to**  
10 **peanuts/tree nuts and/or food derived from peanut/tree nut products, the school administration**  
11 **shall prohibit the sale of peanuts/tree nuts, peanut butter and other peanut based products in the**  
12 **school cafeteria.**

13           **(c) This section shall apply to any building, modular classroom, or similar structure used**  
14 **by a school district for instruction and education of elementary or middle school students.**

15           **(d) In the event a school district knows that an elementary or middle school student has a**  
16 **peanut or tree nut allergy, the district shall:**

17           **(1) Designate a peanut/tree nut free table and peanut/tree nut table in the cafeteria; and**

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- 1 [\(2\) Designate one classroom per grade to be peanut/tree nut free.](#)
- 2 SECTION 2. This act shall take effect upon passage.

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LC01761/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

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- 1           The act would require schools to post a notice in a conspicuous place advising if there is
- 2 a student in the school that has an allergy to peanuts and prohibit the sale of peanuts and peanut
- 3 based products in the cafeteria if it is known that an enrolled student has a peanut allergy.
- 4           This act would take effect upon passage.

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LC01761/SUB A  
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# **PEANUT/ TREE NUT ALLERGY ALERT**



**ONE OR MORE INDIVIDUALS  
IN THIS SCHOOL HAVE AN  
ALLERGY TO  
PEANUTS/TREE NUTS.**

**THE SALE OF PEANUTS/TREE NUTS,  
PEANUT BUTTER AND OTHER NUT-BASED  
PRODUCTS IS PROHIBITED IN THE  
CAFETERIA.**

**RHODE ISLAND'S NEW "PEANUT LAW"**  
**FREQUENTLY ASKED QUESTIONS - A GUIDE FOR FAMILIES**

**What is the new "peanut law?"**

The new peanut law, H5671, was passed during the 2007 legislative session. The purpose of the law is to protect students who have allergies to peanuts or tree nuts while they are in school. The goal of the law is to help schools provide a safe environment for all students.

**What is a peanut or tree nut allergy?**

Allergies to peanuts or tree nuts are quite common. Some people have a mild reaction to these products, like developing a rash or hives. However, some people have a very severe reaction to these products that can be life-threatening. A person with this severe type of allergy may stop breathing (anaphylaxis) in less than a minute of smelling, eating or touching peanut or tree nut products.

**What does the law require from schools?**

Schools must work to provide a safe environment for students identified as having a peanut or tree nut allergy. If there are no students in a school with a peanut allergy, the school does not have to do anything related to this law. However, as soon as a student with a peanut allergy enrolls in the school, the school must implement the measures described in the law. If there is a student in the school that has a peanut allergy, the law requires that schools:

- Post a sign at each point of entry to the school and at the cafeteria entrance, alerting people that there is someone in the building with a peanut allergy;
- Prohibit the sale of peanuts/tree nuts in the school cafeteria;
- Designate a peanut/tree nut free table in the cafeteria;
- Designate a peanut/tree nut table in the cafeteria;
- Designate one classroom per grade level where there is a student with a peanut/tree nut allergy as peanut/tree nut free.

**Does the law apply to all schools?**

The law applies to all public and non-public schools serving elementary and middle school students. The law does not apply to high schools.

**Can my child bring peanut products in to the school?**

Yes. The law does not prohibit any student from bringing peanut/tree nut products from home. However, if your child is assigned to the "peanut-free classroom," then the school must arrange for your child to store his/her peanut products outside of the classroom. The student may not store or eat the peanut/tree nut product in the designated peanut-free classroom. The student may eat peanut/tree nut products in the cafeteria.

**Does my child have to sit at a special table?**

The law requires that the school designate a table or tables that is peanut/tree nut free so that those students that need this type of protection can sit there. Other children may also sit at these tables, as long as they do not have peanut/tree nut products as part of their lunch, so as not to isolate any group of students. The law also requires that the school designate peanut/tree nut tables. These tables will help contain peanut smells and residues for those students eating peanut products during lunch, especially if there is a student in the building with the most severe type of allergic reaction. Again, other students may also sit at these tables, even if they are not eating peanut/tree nut products so as not to isolate any group of students.